

Cement Creek Messages:

Water Quality in the Animas is not improving. The river is affected by many natural and man-made sources of contamination and has gotten worse since the treatment plant in Gladstone was shut down.

Comment [SSP1]: Are we certain that this is true? Enforcement asked we be sure we are accurate before we say this.

yes

Water Quality in the Animas is negatively impacted by discharges of metals-laden, acidic drainage in the Upper Cement Creek watershed.

Presently it is not clear what approach to the draining adits, waste piles, seeps or groundwater would effectively minimize or eliminate metal loading to the Animas or what that effect would have on improving water quality in the Animas.

There may need to be more investigation in to the complex hydro-geological conditions of the Upper Cement Creek mines to be able to define an approach to improving water quality in the Animas River?

We appreciate Sunnyside's offer to be a part of a solution. We also value the hard work of ARSG and we look forward to their help in the path forward. While Sunnyside's offer is a step in the right direction, we believe questions need to be answered related to the approach of ARSG and Sunnyside working together without EPA involvement:

- 1) How are the needed studies and investigations to arrive at a cleanup plan going to be conducted and paid for? Who is going to lead the studies? Will Sunnyside pay for these studies and how?
- 2) How will decisions be made? Who will make them? Is "consensus" the approach and who are the voting members? Who will be responsible for implementing the cleanup decisions? What will be the consequence if implementation either is incomplete or does not sufficiently improve water quality?
- 3) Who will get a permit for discharges and operate any treatment plant? Who will pay for this and how?
- 4) Are there parties that are potentially responsible for this problem and what resources could they potentially contribute to a solution?

Because it is not clear what should be done, it is difficult to estimate the cost of a remedy and difficult to know how to most effectively use the \$6.5MM Sunnyside has offered to help address the problem.

- Analogous problems at Central City, Leadville, Nelson Tunnel and Summitville in Colorado have led the state to estimate that if water treatment is required and appropriate, it could cost between \$24 - 38MM (30 year present value) to construct and operate for 30 years. If treatment is the appropriate answer, it will be necessary forever or until another answer is found.
- Voluntary offers are not likely to be in perpetuity offers, nor, at this time, do they appear to be sufficient to address the problem

EPA has not decided to propose this site for listing but listing or working formally with potentially responsible parties are EPA's only alternatives for addressing the discharge issues at this site.

Comment [SSP2]: Is this true? What about a removal?

? Not sure
how mgmt wants to respond

Sonya Pennock & Bill Murray 11/9/11

- High dollar solutions are likely.
- Volunteers are not likely to offer big dollars.
- The federal government has the ability to provide dollars for long term water treatment only if the site is listed. Long term water treatment cannot be funded through the removal program.
- The federal government can prompt responsible parties to fund long term treatment remedies whether or not the site is listed.
- The federal government can prompt responsible parties to fund investigations with or w/o listing.
- We must gather information from potentially responsible parties in order to determine if they are actually responsible for a part of the problem and to ascertain if they are able to either assist with performing work or funding it. We are about to request information from several companies that will help EPA determine the level or nature of responsibility of these parties and the ability of these parties to perform or fund work.

We would like to work with you, and other stakeholders including BLM and Colorado to define a process to identify the most effective approach to securing a comprehensive, long-term, funded remedy that will result in acceptable water quality in the Animas River. We believe Superfund listing should be given serious consideration because it unlocks a process that allows the federal agencies to bring resources to the table that can be used to address a problem that likely need a comprehensive, expensive, long-term solution.